

S0230061
cc: Wayne



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

FILLMORE FIELD OFFICE

35 East 500 North
Fillmore, Utah 84631



In Reply Refer to:
3809 (UTW02000)
UTU-75879

December 1, 2010

CERTIFIED MAIL # 7010 1670 0000 7621 8176
RETURN RECEIPT REQUESTED

DECISION

John Holfert
997 N Chapel Dr. #4
Bountiful, UT 84010

:
: 43 CFR 3809 - Surface Management Plan:
: UTU 75879
:

Determination of Financial Guarantee, UTU 75879

Your Plan, UTU 75856, was filed in this office on 08/04/1998. The Plan was for mining of gemstone material (red beryl) in SE section 12, T. 13 S., R. 12 W., SLB&M. The Plan was approved on 04/02/2004. The Utah Division of Oil, Gas, & Mining permits this Plan under S/023/062

On 10/13/2010 an inspection of the site was performed; the inspection found that the disturbance could be considered casual use. Plan UTU 75856 is closed; the financial guarantee, a statewide cash bond, posted by Marlow Cropper of World Wide Minerals and Fossils Inc. for \$6,356 and was split between this operation and your Plan UTU 75879, will be applied totally to UTU 75879, which was also inspected on 10/13/2010 and found to have an insufficient financial guarantee. No operations, except casual use, are allowed at this time. Should you want to continue mining on federal land at this project site, you will need to file a new Plan with this office.

Bureau of Land Management (BLM) case file number UTU 75879, your Plan of Operation (Plan) for Dugway Pass Topaz underwent inspection on October 13, 2010. The purpose of the inspection was to insure compliance with the Surface Management Regulations at 43 CFR § 3809 and to update the surety bond requirements for the operation.

Jerry Mansfield, Geologist for the BLM Fillmore Field Office (FFO) and Wayne Western of the Utah Division of Oil, Gas, and Mining (UDOGM) were on site for the inspection. Your Plan proposes and the inspection confirmed one acre of disturbance in the NW1/4 of section 20, T. 11 S., R. 11 W. Your operation for UTU 75856 was inspected on 10/13/2010 as well and that

RECEIVED

DEC 06 2010

DIV. OF OIL, GAS & MINING

inspection determined the portion of your state wide bond for that operation, which was posted by Marlow Cropper of World Wide Minerals and Fossils Inc., would be transferred to this site as UTU 75856 would be closed.

Amount of Financial Guarantee – This office has calculated a cost estimate, and consulted with UDOGM to update the financial guarantee; BLM has determined that the amount of \$7,400 is sufficient to meet all anticipated reclamation requirements. The amount of the reclamation cost estimate was based on the operator complying with all applicable operating and reclamation requirements. With the transfer of the portion of your state wide bond for UTU 75856 to this operation your current financial guarantee is \$6,365. You must supplement this bond with an additional \$1,035 or post a replacement bond for a total of \$7,400.

BLM's decision concerning the amount of the required financial guarantee does not relieve you, the operator, of your responsibility to be in compliance with all applicable Federal, State and local laws and regulations, and to obtain all applicable Federal, State and local authorizations and permits. You are responsible for preventing any unnecessary or undue degradation of public lands and resources, and for reclaiming all lands disturbed by your operations.

Required Financial Guarantee – A financial guarantee in the amount of \$7,400.00 must be filed and accepted by the Utah State Office of the BLM, PO Box 45155, Salt Lake City, Utah 84145-0155. You must receive written notification from that office accepting and obligating your financial guarantee before you may continue surface disturbing operations.

The types of financial instruments that are acceptable to the BLM are found at 43 CFR 3809.555. Please contact Rita Stelmach or Opie Abeyta, Land Law Examiners at the BLM Utah State Office, at (801) 539-4121 and (801) 539-4123 respectively for further information on the adjudication of financial guarantees.

This decision does not constitute certification of ownership to any entity named in the Plan, recognition of the validity of any associated mining claims; or recognition of the economic feasibility of the proposed operations.

Appeal of the Decision Determining the Required Financial Guarantee Amount - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a Stay is granted by the State Director. Standards for obtaining a Stay are given below. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director

Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office at, 95 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a Stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a Stay must accompany your notice of appeal. A petition for a Stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a Stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

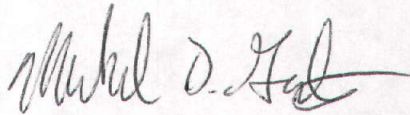
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a Stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the Stay is not granted, and
4. Whether the public interest favors granting the Stay.

If you have any questions, please contact Jerry Mansfield, FFO Geologist, at (435) 743-3125.

Sincerely,



Michael D. Gates
Field Manager

Enclosure:

Form 1842-1

cc: Wayne Western
UDOGM
1594 W North Temple Ste. 1210
Salt Lake City, UT 84114

Opie Abeyta (UT-923)
Utah State Office/ BLM
PO Box 45155
Salt Lake City, UT 84145-0155

Marlow Cropper
World Wide Minerals and Fossils Inc.
3005 West Highway 6
Delta, UT 84624